HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.1347 of 2007

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Between:

Vijayadurga Colony Resident Owners Welfare Association, Karmanghat, Ranga Reddy District. … Petitioner

And

The Andhra Pradesh Pollution Control Board, represented by its Member Secretary, Hyderabad and others. ….Respondents.

:: O R D E R ::

Counsel for the petitioner : Taken-up

Counsel for respondent No.1 : Sri S.V. Bhatt

Counsel for respondent Nos.2, 3 and 5 : Government Pleader for Municipal Administration.

Counsel for respondent No.4 : Sri P. Radhakrishna

Counsel for respondent No.6 : Sri K.R. Sashidharan Nair

10th April, 2007

Per G.S. SINGHVI, C.J.

Letter dated 16-1-2007 sent by the President and other office

bearers of Vijayadurga Colony Resident Owners Welfare Association, Karmanghat, Ranga Reddy District, with the complaint that pollution caused due to the operation of Vamshi Rice Mill, L.B.Nagar Municipality, Ranga Reddy District (respondent No.6) in the residential area is affecting the health of the people, was treated as a petition in public interest.

In response to the notice issued by the Court, Shri G. Venkateswarlu, Managing Partner of Vamshi Rice Mill has filed affidavit to oppose the prayer made by the Association. He has denied the accusation that pollution is being caused due to operation of the rice mill. In paragraphs 6 to 8 of his affidavit, Shri G. Venkateswarlu has averred as under:

> "6. The averment of the letter dated 16-01-2007 that this respondent is a boiled rice mill is absolutely false and incorrect. It is incorrect to state that large quantity of dust, smoke and smell is coming out of it and polluting the food, water and other items in the locality is equally without merit and is also vague. The further averment that due to the dust spread by this respondent, the residents are unable to stay in the houses without closing the doors and windows is absolutely false and incorrect. Likewise, the averment that the plants are becoming black and not growing properly is equally without any merit or substance. The averment that the residents are unable to walk due to thickly coated black dust is equally false and incorrect. The further averment that hair of the residents is getting dust coated and many are losing their hair is equally false and incorrect. The averment that the children of the residents are unable to play openly in the locality is equally false and incorrect. The further averment that the residents are unable to drive their vehicles especially two wheelers due to heavy dust and due to this accidents in the locality are increasing is equally false.
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> 7. At no point of time, did the respondents give any written complaint to this respondent. This respondent is not aware whether any complaint has been given to the Andhra Pradesh Pollution Control Board. The contents of the letter, with respect, are vague and bereft of particulars. I submit that am not aware of any written representation made to the District Collector about two years back. This respondent is also not aware as to

whether any complaint dated 12-01-2006 stating that has been made to the Environmental Engineer, Habsiguda. The averment that the Mill is illegally causing loss to many people in the area in terms of money, labour, health and happiness is also vague and incorrect.

8. This respondent submits that on 09-03-2007 this Hon'ble Court directed the Andhra Pradesh Pollution Control Board/1st respondent herein to submit the Status Report. In the even, if the Status Report points out any defects, this respondent shall rectify the same."

Shri S. V. Bhatt, Standing Counsel for the Andhra Pradesh Pollution Control Board (for short, 'the Board') has filed copies of report dated

13-2-2007 sent by Environmental Engineer (FAC) to the Joint Chief Environmental Engineer (Legal), closure order dated 2-4-2007 passed by the Board in exercise of its power under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 (as amended in 1987) and Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 (as amended in 1988) and letter No.3/W.P.No.1347-2007/PCB/RO.I-RRD/Legal/2007-2, dated 4-4-2007 sent by Environmental Engineer (FAC) to the Joint Chief Environmental Engineer (Legal).

At the hearing, Shri K.R.Sasidharan Nair, learned counsel for respondent No.6 stated that in view of the closure order passed by the Board, no manufacturing activity is being undertaken in the mill and that his client will avail statutory remedy of appeal.

Since respondent No.6 mill has been closed pursuant to the order passed by the Board, no further order is required to be passed by this Court and the writ petition is liable to be disposed of as infructuous. Ordered accordingly.

G.S.SINGHVI, C.J.

10th April, 2007

C.V.NAGARJUNA REDDY, J.

Note: A copy of this order be sent to Sri Anant Kulkarni, President, Vijayadugra Colony Resident Owners Welfare Association, Karmanghat, Ranga Reddy District so that he or any other office bearer of the association may apply to the Appellate Authority for being heard in the appeal, which may be filed on behalf of respondent No.6.

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